



BOARD OF BARBERING AND COSMETOLOGY  
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
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**Board of Barbering and Cosmetology  
Junipero Serra State Building  
320 West 4<sup>th</sup> Street  
Los Angeles, CA 90013**

## **MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY**

### **MINUTES OF AUGUST 16, 2004**

**BOARD MEMBERS PRESENT:**

Dr. Della Condon, President  
Joe Gonzalez, Vice President  
Richard Hedges  
Dr. Waddell Herron  
Frank Lloyd  
Candice Pederson  
Angela Reddock

**STAFF MEMBERS PRESENT:**

Terresa A. Ciau, Executive Officer  
Albert Balingit, Staff Counsel  
Kelly Schmidt, Staff

***BOARD MEMBERS ABSENT:***

Kim McInnes  
Bonnie LaChappa

- **Agenda Item #1, CALL TO ORDER/ROLL CALL**

Dr. Condon called the meeting to order at 9:00 a.m. Members introduced themselves and briefly described their backgrounds.

Dr. Condon also introduced the newly appointed director of the Department of Consumer Affairs, Ms. Charlene Zettel.

- **Agenda Item #2, PRESIDENT'S REPORT**

Dr. Condon began her report by recognizing Bernard McMorris for his many years of service in the industry. She announced that he is retiring after more than 50 years.

Dr. Condon shared that her and Mr. Gonzalez have visited several schools in California. She was happy to see the many people entering the profession and investing in the beauty school business.

Mr. Gonzalez commented that the students seemed very much involved with various trade shows and taking side classes in specialized areas while attending school.

Dr. Condon indicated that there have been two meetings, which involved talks with the education side of the beauty business. She called the meetings *Teachers Talk*. The meetings allowed an opportunity for teachers to get together and hear about the issues that they are facing.

Dr. Condon shared that she attended the first town hall meeting that involved discussion of the California Performance Review (CPR) report. She enjoyed listening to the issues before the State and realized that the industry is an important part of the economics of California.

Dr. Condon discussed the need for a newsletter and had recently seen some misinformation being printed in various publications. She feels it is important the Board puts out their own story, so accurate facts are being reported. She opened the subject up for a brief discussion.

Mr. Gonzalez expressed that the industry really needs a newsletter, so they are aware of what is going on in the industry. He stated the Board use to have something like this and that it may have been stopped in order to save money. He feels this is a way the Board can get more involved with the community.

Dr. Herron agreed with Mr. Gonzalez.

Mr. Hedges asked the audience members how many would read a newsletter that was mailed to them, how many would prefer to read it in electronic format, and how many would prefer to get a hard copy mailed to them. Just about everyone indicated they would read a newsletter and the majority preferred to have a hard copy versus receiving electronically.

Dr. Condon commented that one of the concerns about producing a newsletter is that the Board would want to ensure it doesn't take staff time away from students getting examined, consumer's concerns being addressed, and other related operational activities. She suggested that the Board start with an electronic newsletter and move to a hard copy later when more resources would be available.

Ms. Ciau indicated that staff had begun to look into the newsletter. The complete review was unable to be finished in time for the meeting. A rough estimate for a four-page newsletter indicated that it could take 40 to 80 hours of staff time. In addition, the mailing cost, which includes postage and printing, would be anywhere from \$35,000 to \$50,000. She indicated that when the Board was established they did not receive any augmentation for funding or resources for Board activities.

Dr. Condon thanked the Board for their policy making and direction in the area of examination backlog. She also expressed much appreciation to the Board staff and indicated that Ms. Ciau was the spearhead behind getting this accomplished.

Dr. Condon asked the two newest Board members if they would be interested in committee work. She explained that much of the Board's work is done in a committee format and the committee brings recommendations to the full Board.

Both Ms. Pederson and Mr. Lloyd expressed interest in participating in some of the committees. It was agreed that the nominations would be placed on the next Board meeting agenda in order to give time to the members to review the responsibilities of each committee.

Dr. Condon briefly shared about the Task Force Meeting on Instructor Standards. She indicated there was a great turnout. Many shared their ideas and concepts and made recommendations for uniform standards for teachers of cosmetology.

- **Agenda Item #3, EXECUTIVE OFFICER'S REPORT**

Ms. Ciau shared a little of her background and expressed that she was happy to see so many students attending the meeting.

Ms. Ciau first gave a budget update. She indicated that the legislature and the governor approved 14 new positions. She indicated that six of these were for new inspectors, three for new examiners, and the remaining for the licensing and cashiering staff. In addition, by redirecting staff another inspector position was created. This brought the total new inspector positions to seven. She commented that much of the month of July was spent recruiting to fill the positions.

Ms. Ciau reported that she has been advised that the Board's budget will have to absorb the \$2,000,000 increase due to workers' compensation and the five-percent salary increase for all employees. In addition, she reported that the Attorney General costs have increased from \$120 to \$139 per hour. This will also have to be absorbed through the current budget. Ms. Ciau shared that she is looking into the complaint and enforcement process to try to streamline the process and reduce costs.

Ms. Ciau reported on the operations workload. The current timeframe for processing new applications is about six to eight weeks. She indicated the transition to these processing times has to do with losing almost all of the temporary hires that the Board had. She has been redirecting staff to specific areas to address backlogs.

Dr. Condon commented how much improvement there has been since one year ago and was very please to see these numbers. She asked if there were any work measure standards created yet for comparison.

Ms. Ciau indicated the work measure standards is part of the Board's action plan and will be presented at the next Board meeting. She estimated that this would be completed by the end of the year.

Ms. Ciau shared briefly that Board members were provided with the CPR hearings schedule and a compact disc of the actual report. She also added that she attended a meeting with all of the Department's executive officers. It was advised that the Board may want to write to the CPR Commission and explain the importance and uniqueness of the Board.

Dr. Condon commented on the CPR report. She suggested Ms. Ciau write a concise two-page statement on the Board's behalf to advocate the importance of the services the Board provides.

Mr. Hedges suggested that it be given to the Board members to review prior to being forwarded to the CPR Commission.

The members agreed with Mr. Hedges.

Ms. Ciau suggested sending the members a draft and allow everyone to submit their comments to her and then she can send a final draft.

Ms. Ciau also reminded Board Members that if they have not attended Board member orientation that there will be a session in September in Santa Ana.

- **Agenda Item #4, APPROVAL OF BOARD MEETING MINUTES**

Dr. Condon indicated the meeting minutes of February 23, 2004, April 19, 2004, and the June 20 and 21, 2004 minutes needed to be approved.

A few adjustments were suggested for the February 23, 2004 minutes. A motion to approve the minutes with the suggested adjustments was voted on. All members present approved, however Ms. Pederson and Mr. Lloyd abstained since they were not part of the Board at the time.

It was determined that the April 19, 2004 meeting was a four-person committee since there was not a quorum. A motion to approve the minutes was made and three of the members present at the meeting voted to approve the minutes.

Dr. Condon suggested that the June 20 and 21, 2004 minutes be voted on at the next Board meeting.

- **Agenda Item #5, REPORT ON THE EXAMINATION AND LICENSING SUBCOMMITTEE**

Dr. Condon introduced the first item for discussion, which was the proposal of the California Nails Institute of Tokyo, Japan. The Board's role in this proposal would be to approve the school's manicuring curriculum. The students from Japan would then come to schools in California that wish to host the students for a week or two and would attend classes. At the end of their stay the school would conduct a mock exam. If the student passes then the Board would issue them a certificate, which would indicate they have met the criteria standards of California. She emphasized this would not be a license to practice in California.

Dr. Condon described this as an opportunity for students to share techniques on an international level. The idea also promotes business for California.

There was discussion about the fact the certificates would need to be numbered and that they would be provided to the schools on an as-needed basis.

Dr. Condon opened the subject to comments from the public.

Ms. Bruders commented that she liked the idea. She also expressed concern about giving out the certificates to schools. In some countries by presenting a certificate a student can automatically become licensed. She asked if the curriculum is the same as California's.

Dr. Condon responded that the curriculum mirrors and exceeds California's curriculum.

Mr. Tyler shared that there are programs that already exist that are similar.

A motion was made to approve the curriculum of the California Nails Institute of Tokyo, Japan given that the Board will have to approve the certificate prior to circulating them. The members voted to approve the motion.

Dr. Condon explained the other item for discussion is the licensure by endorsement regulatory language. The language allows for those who are licensed in another state to come to California and apply for a license. The applicant must pass a written exam, which pertains to the health and safety laws and must have been actively in practice within the last five years prior to applying. In addition, there is a \$40 application fee.

Dr. Condon opened the subject for public comment.

Mr. Tyler commented that he has no issues with requiring a written exam provided that it doesn't become a barrier in these individuals getting into the workplace.

Ms. Combs stated she is from the Bellflower Unified School District. She feels that students who come from another state should be required to attend school and receive a refresher on California requirements. They have many students who come from out of state that attend their school while their paperwork is being processed in Sacramento. She stated it does not do the out of state applicants any good to go and take the exam only to fail.

Ms. Duran commented that she works with a lot of students that come from out of state. She feels there should be some kind of standards for sanitation. She has concerns about getting certifications from other states since not all states have the same amount of hours.

Ms. Manna congratulated the Board on their movement on this issue of reciprocity and supports their actions.

Ms. Noel used the California State Universities as an example by explaining that students that come from other states usually pay higher fees. She suggested this situation should be treated the same way.

Dr. Condon explained that the \$40 fee has been set since the out of state applicants will only be taking a written exam the Board will be using less resources.

A motion to approve the draft regulatory language adding that the language specifies *written* exam. All of the members present voted to approve.

- **Agenda Item #6, REPORT OF THE TASK FORCE MEETING ON INSTRUCTOR STANDARDS**

Dr. Condon asked the other members of the task force to share their comments.

Mr. Lloyd commented that many opinions on instructor qualifications were expressed. Some did not want any qualifications and other wanted instructors to have college degrees. He suggested that they try to meet in the middle.

Mr. Gonzalez expressed that the meeting was wonderful. The majority of those who attended the meeting want uniform standards.

Dr. Condon explained that the purpose of the meeting was to discuss one of the mandates of the sunset review legislation. She felt it was clear that whatever the standards the Board came up with that they wanted it the same for community colleges and private schools. There will be another meeting in September with the discussion being primarily between task force members.

Mr. Gonzalez shared that some of the ideas were that there should be an instructor training program, a mentorship program, and minimum qualifications established.

- **Agenda Item #7, DISCIPLINARY REVIEW COMMITTEE HEARINGS UPDATE**

Mr. Gonzalez indicated they have conducted about three or four hearing sessions. They have seen many establishments with repeat health and safety violations, which is a concern. He also reported that it is okay to label water bottles as H<sub>2</sub>O. Previously, licensees were cited for this.

Mr. Hedges explained that he enjoys being part of the Disciplinary Review Committee. It allows those that feel they were not fairly cited a chance to exercise their right to appeal.

- **Agenda Item #8, LEGISLATION AND REGULATIONS**

Ms. Ciau informed the members that any legislative proposals would need to be submitted by October 25, 2004.

Ms. Ciau indicated that AB2168, which will provide the Board an additional year for the instructor's license, is being considered.

Ms. Ciau shared the draft regulatory language to amend section 932 of the California Code of Regulations.

Dr. Condon explained that the language provides someone who passes the safety and sanitation portion of the practical exam to use five points applied toward their written portion of the exam.

A motion was made to accept the draft regulatory language to amend section 932 of the California Code of Regulations passing grades in examination. All members voted to approve.

- **Agenda Item #9, REVIEW OF THE BOARD'S DRAFT 2004-2005 STRATEGIC PLAN**

Dr. Condon explained that the strategic plan was developed to help determine the direction the Board will be taking. She asked Ms. Ciau if there was a schedule of the various issues that need to be addressed.

Ms. Ciau indicated that the action plan is being started that will include timelines. It should be ready for the next Board meeting. She explained they would be addressing many of the issues from the audit findings and all of the chaptered legislation. Ms. Ciau indicated that the Board has already addressed one of the items of the Sunset regulations. In addition, the Board has started working on several other items that need to be addressed.

A motion was made to approve the 2004-2005 Strategic Plan. All members present voted to approve the plan.

- **Agenda Item #10, REPORT ON THE STATUS OF SAME DAY LICENSING**

Ms. Ciau reported there were minimal problems the Board experienced while implementing same-day licensure. Many of the problems had already been resolved and Exporior is paying for any expenses incurred. She also indicated that in a three-week period over 5,000 exams were administered.

Dr. Condon stated that many schools and students have expressed they are very happy with the return of same-day licensure.

- **Agenda Item #11, ADDITIONAL INFORMATION ON COMPUTER BASED TESTING VENDORS**

There was discussion among the Computer Based Testing (CBT) vendors about the different services the vendors offer. It was determined that the services were similar, but that one of the vendors was from California.

Dr. Condon explained that the Department is going out to bid soon for a master contract for CBT vendors. The Board would have the option of receiving services from the same vendor or the Board can choose to obtain their own contract with a vendor of their choice. She recommended the Board should work with the Department and look at the vendors. The Board should carry a lot of clout since the Board administers so many exams.

Ms. Ciau explained that the Board had not been included the last time the Department went out to bid since it had been prior to the Board implementing computer based exams. The Department will ask the Board what services they would like to see in the contract. Ms. Ciau agreed with Dr. Condon that because the Board is so big they may have a seat on the evaluation of the vendors. She also indicated that the bid process can take anywhere from one to two years.

Mr. Hedges stated that he feels service is an important aspect of choosing a vendor.

There was a consensus of the Board to provide input to the Department as they go out for bid on a master contract while the Board maintains their right to go on in their own direction.

Ms. Ciau recommended the Licensing and Exam Subcommittee review what they want in the contract and make their recommendations to the Board.

- **Agenda Item # 12, PUBLIC COMMENT**

Mr. Tyler expressed he had several areas of concern. One is apprenticeship. The training program started 10 years ago and many issues have come up over this time and so far nothing has been resolved. Some of his concerns had to do with the amount of time it takes for an apprentice to received their apprentice license and also once the training is completed the amount of time it takes for them to received their exam date. He also mentioned that another area of concern is externship.

Mr. Tyler also shared that his company runs several salons and recently one of their salons was inspected. During the inspection the inspector took photographs of the violations. He indicated that he was never informed that this was part of the inspection process.

Mr. Gonzalez stated that the inspectors do take pictures of violations as part of their inspection.

Mr. Hedges shared that the pictures the inspectors take are helpful. Many people deny the violations and the pictures show what was found.

Dr. Herron indicated that he serves on the Disciplinary Review Committee and the inspectors provide them with detailed information, so that they can make proper decisions.

Mr. Tyler stated that he does not necessarily have an issue with inspectors taking pictures, but his concern was mainly that they were not aware this was a normal procedure.

Mr. Balingit advised that based on his experience the investigating tools used are left to the discretion and the experience of the individual investigator.

Ms. Anderson commented that she works at a beauty college and she found that allowing the inspectors to take photographs is helpful. The inspector was able to sit down with her and explain the violations and show the pictures to her.

Ms. Duran commented that some students benefit from apprenticeship, but others have had problems with the operators while trying to get educated from them. They also commented that fees should not be going to Experior, but towards getting more examiners and inspectors. She congratulated the Board for accomplishing so many things.

Ms. Sanchez recommended that the Board develop their own computer program for testing instead of using Experior.

- **Agenda Item #13, AGENDA ITEMS FOR NEXT MEETING**

It was determined that the agenda items for the next Board meeting should be the potential of a newsletter, nomination of new members to subcommittees, action plans, and apprenticeship. For the item of apprenticeship there was discussion that the Board should start to identify the issues and possibly form a task force.

- **Agenda Item #14, DECISIONS ON REINSTATEMENTS AND DISCIPLINARY CASES  
[CLOSED PURSUANT TO GOVERNMENT CODE SECTION 11126 (C)(3)]**

- **Agenda Item # 15, ADJOURNMENT**

The meeting was adjourned at approximately 3:30 p.m.